

VZCZCXRO6627  
OO RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO  
DE RUEHGO #0519/01 1821623  
ZNY CCCCC ZZH  
O 301623Z JUN 08  
FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7847  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 1317  
RUEHNE/AMEMBASSY NEW DELHI 4853  
RUEHUL/AMEMBASSY SEOUL 8405  
RUEHKO/AMEMBASSY TOKYO 5967  
RUEAIIA/CIA WASHDC  
RUEHGV/USMISSION GENEVA 3861  
RUEKJCS/DIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUCNDT/USMISSION USUN NEW YORK 1812  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000519

SIPDIS

SSTATE FOR EAP, IO AND DRL  
DEPT PLEASE PASS TO DEPT OF LABOR ILAB OFFICE  
PACOM FOR FPA  
US MISSION TO GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 09/07/2017  
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)  
SUBJECT: NO EVIDENCE OF DELTA FORCED LABOR; CHILD SOLDIER  
CASES CONTINUE

REF: A. RANGOON 517  
[1](#)B. RANGOON 425  
[1](#)C. RANGOON 424  
[1](#)D. 07 RANGOON 1143

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4  
(b and d)

[1](#)1. (C) Summary. Although the ILO Burma office has not received any formal complaints of forced labor in the Irrawaddy Delta after Cyclone Nargis, it continues to closely monitor the situation. ILO Liaison Officer Steve Marshall reported an increase in child soldier cases - his office now receives an average of four new cases a week since June 1. The UN Task Force on Children and Armed Conflict has offered repeatedly to coordinate with the GOB Child Soldier Task Force; however, the GOB claims that its hands are tied until the UNSC Working Group on Children and Armed Conflict offers its opinion and makes recommendations on the Secretary General's child soldier report. The GOB on June 26 informally requested the ILO's assistance in promulgating the new constitution into law, including drafting a new labor law and establishing criteria for the formation of labor unions. Marshall recommended that GOB Ministers meet with ILO senior leaders on these issues. End Summary.

Rumors Abound, but No Evidence  
-----

[1](#)2. (C) Although the ILO Burma office received more than 20 unofficial reports of forced labor in the Irrawaddy Delta in the month after Cyclone Nargis (Ref B), ILO staff found no evidence that forced labor actually occurred, ILO Liaison Officer Steve Marshall told us. Marshall admitted that his office had difficulty investigating the reports because they were not filed properly, as dictated by the ILO-GOB Supplementary Understanding on Forced Labor. Most reports filtered into the ILO office from NGOs and exile groups located outside of Burma; with no actual complainants from the delta, the ILO could not conduct interviews to gain first-hand information of forced labor, Marshall explained.

Several exile groups mistook work-for-food programs as forced labor; Marshall noted that these programs do not constitute forced labor.

13. (C) With limited access to the delta, the ILO coordinated with other UN agencies and NGOs working on the ground to monitor work practices in the weeks after the cyclone. While Marshall has yet to travel to the delta, several of his local staff (seconded to other UN agencies) conducted unofficial investigations in the areas where the alleged forced labor violations occurred. They found no evidence of forced labor, he reported. Marshall expects to travel to the delta in the next two weeks to begin the initial preparations for the ILO's cash-for-work program to assist vulnerable populations affected by the storm (Ref A). While there, he will also conduct unofficial investigations and meet with local authorities to emphasize the need for best labor practices.

14. (C) The ILO will be better able to monitor the work situation in the delta once the cash-for-work program begins, Marshall informed us. Opening an ILO satellite office in Patheingyi will allow ILO staff to both monitor employment practices and receive formal forced labor complaints (Ref A). The ILO team of experts who will provide skills training to the Burmese will also quietly inquire about rumors of forced labor, he stated.

#### Limited of Coordination on Child Soldiers

-----

RANGOON 00000519 002 OF 003

15. (C) While the number of forced labor complaints has decreased in the past four months, the number of child soldier cases has risen, Marshall noted. He would not comment on whether the use of child soldiers in Burma was on the rise, stating that there was no way to estimate the total number of child soldiers in Burma (Ref D). Instead, he opined that the increase in complaints was due to ILO efforts to educate the Burmese on child soldiers and forced labor. Not only are more people aware of the complaint process, but they see how the ILO has helped return more than 25 children in the past year to their families, he explained. Since June 1, the ILO has received an average of four child soldier cases a week, up from two cases a week in March.

16. (C) Marshall noted that the GOB works quickly to resolve child soldier cases, and the children often return to their families within two weeks (Ref C). But resolving the cases is not enough; the GOB needs to do more to prevent military recruitment of children, he declared. The ILO, upon its own initiative, conducted several trainings for military officers in the past few months. He considered the fact that the Ministry of Defense approved the training to be a positive development. However, efforts to improve coordination between the UN Country Team's Task Force on Children and Armed Conflict and the GOB's Task Force on Child Soldiers have fallen flat, Marshall declared. The GOB takes the position that the UNSC Working Group on Children and Armed Conflict has yet to offer an opinion and make recommendations on the Secretary General's report on child soldiers in Burma (reviewed in December 2007), so there is no basis for the two task forces to meet and coordinate. The ILO, in meetings with the Ministry of Labor, Ministry of Home Affairs, and the Attorney General, continues to press for improved coordination on child soldiers, arguing that the GOB should take proactive steps to resolve the problem.

#### Putting the Constitution into Practice

-----

17. (C) Marshall informed us that during his meetings in Nay Pyi Taw on June 26, officials from the Ministry of Labor and the Attorney General's office approached him about implementing the labor provisions of the recently passed constitution. The Deputy Attorney General and the Deputy

Minster of Labor specially requested information on criteria for the formation of labor unions, as well as drafting a new labor law. Marshall responded that the ILO could provide assistance, but that the Burmese Government would have to make a formal request to ILO Headquarters. He also recommended that Labor officials meet with senior ILO officials to discuss the full gamut of labor issues. Drafting a new labor law would not be enough, the Burmese Government should also review all related laws, including the law that prohibits gatherings of five or more people, to ensure that they do not contradict the new law, Marshall advised.

18. (C) Minister of Labor Aung Gyi told Marshall separately that the senior leaders had discussed about when to enact the constitution. Several officials opined that they should wait until after the 2010 Parliamentary elections, since it would be Parliament's job to enact laws. Aung Gyi added that it would take the GOB a "very long time" to review existing laws and draft language acceptable to all parties. He told Marshall that he would be in touch about ILO assistance.

Comment

-----

19. (C) While Marshall was encouraged about the GOB's informal request for assistance in drafting new labor laws,

RANGOON 00000519 003 OF 003

he continues to question the GOB's overall commitment to resolving forced labor and child soldier issues. Marshall's office is currently reviewing the GOB's actions on forced labor since 1999 to see what actions the government has taken. Marshall believes that some GOB officials, such as Labor Minister Aung Gyi, take the issues of forced labor and child soldiers seriously, but that the military leaders, who hold the power in Burma, prefer to turn a blind eye. While the Supplementary Understanding on Forced Labor provides the framework to address Burma's forced labor problem, the GOB needs to take proactive measures to resolve the root causes of forced labor and child soldiers. Coordination between the UN and GOB task forces on child soldiers would be a step, albeit small, in the right direction.

VILLAROSA